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Commissioner for Patents  
P.O. Box 1450  
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on February 11, 2005

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John C. Freeman

Name of applicant, assignee or  
Registered Representative

*John C. Freeman*

Signature

February 11, 2005  
Date of Signature



Case No. **10781/9**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Ioannis Pallikaris et al.

Serial No: 09/911,356

Examiner: Victor X. Nguyen

Filed: July 23, 2001

Group Art Unit: 3731

For: **DEVICE FOR SEPARATING  
THE EPITHELIUM LAYER  
FROM THE SURFACE OF THE  
CORENEA OF AN EYE**

**PETITION AND FEE FOR EXTENSION OF TIME (37 CFR § 1.136(a))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

02/16/2005 BABRAHA1 00000013 09911356  
03 FC:1251 120.00 DP

Dear Sir:

This is a petition for an extension of the time to respond to Office Action dated October 20, 2004 for a period of one (1) month(s).

☒ Applicant:

☐ claims small entity status. See 37 C.F.R. § 1.27.

Adjustment date: 06/10/2005 SDIRETA1  
02/16/2005 BABRAHA1 00000013 09911356  
03 FC:1251 -120.00 DP

06/10/2005 SDIRETA1 00000003 09911356

03 FC:2251

60.00 DP

Repln. Ref: 06/10/2005 SDIRETA1 0008094700  
DAH:231925 Name/Number:09911356  
FC: 9204 \$120.00 CR



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Date of Deposit

John C. Freeman, Reg. No. 34,483

Name of applicant, assignee or Registered Representative

John C. Freeman

Signature

February 11, 2005

Date of Signature

Our Case No. 10781/9

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ioannis Pallikaris et al.

Serial No. 09/911,356

Filing Date: July 23, 2001

For **DEVICE FOR SEPARATING THE  
EPITHELIUM LAYER FROM THE  
SURFACE OF THE CORNEA OF  
AN EYE**

Examiner: Victor X. Nguyen

Group Art Unit No. 3731

## AMENDMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed October 20, 2004, please cancel claim 12 without prejudice and amend the Specification and claims 1-6, 8-11, 13-15, 18-26 and add claims 27-64 as follows:

02/16/2005 BABRAHA1 00000013 09911356

01 FC:1202 1850.00 OP  
02 FC:1201 400.00 OP

Adjustment date: 06/10/2005 SDIRETA1

02/16/2005 BABRAHA1 00000013 09911356

01 FC:1202 -1850.00 OP  
02 FC:1201 -400.00 OP

Rep'n. Ref: 06/10/2005 SDIRETA1 0008090500  
DAH: 231925 Name/Number: 09911356  
FC: 9204 \$1065.00 CR

06/10/2005 SDIRETA1 00000003 09911356

01 FC:2202 925.00 OP  
02 FC:2201 200.00 OP

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

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 Date: April 13, 2005 Name: John C. Freeman (34,483) Signature: John C. Freeman

**BRINKS  
HOFER  
GILSON  
& LIONE**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of: Ioannis Pallikaris et al.

Appln. No.: 09/911,356

Filed: July 23, 2001

For: Device for Separating the Epithelium Layer  
from the Surface of the Cornea of an Eye

Attorney Docket No: 10781-9

Examiner: Victor X. Nguyen

Art Unit: 3731

Mail Stop 16  
Director of the U.S. Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

Sir:

**Attached is/are:**

- ☒ Assertion of Small Entity Status and Request for Refunds of Fees and Exhibits A & B
- ☒ Return Receipt Postcard

**Fee calculation:**

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Small Entity		or	Not a Small Entity	
					Rate	Add'l Fee		Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

**Fee payment:**

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

April 13, 2005  
Date

Respectfully submitted,

John C. Freeman  
John C. Freeman (Reg. No. 34,483)

2005 APR 19 PM 12:10

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April 13, 2005  
Date of Deposit

John C. Freeman, Reg. No. 34,483  
Name of Applicant, Assignee or  
Registered Representative

  
Signature

Our File No. 10781-9

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ioannis Pallikaris et al.

Serial No.: 09/911,356

Filing Date: July 23, 2001

For: Device for Separating the Epithelium Layer from the  
Surface of the Cornea of an Eye

Examiner: Nguyen, Victor X

Art Unit: 3731

### ASSERTION OF SMALL ENTITY STATUS UNDER 37 CFR 1.27 AND REQUEST FOR REFUNDS OF FEES

Mail Stop 16  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA. 22313-1450

Dear Sir:

The undersigned attorney hereby asserts that Applicants is a Small Entity status as defined under § 1.27(a), for the above-identified patent application.

By way of introduction, the above-identified Patent Application was filed under a Small Entity status on July 23, 2001. Following an executed license agreement, the licensee was considered by Applicants to have a Large Entity status, and Large Entity status fee payments have been made since December 23, 2003. However, the undersigned attorney became recently aware that this consideration of Large Entity status of the licensee was made in error.

Accordingly, Applicants hereby request a refund pursuant to 37 CFR 1.26 based

on the assertion under 1.27 (c) of Applicants Small Entity status, made herewith. This refund request is for a portion of fees that were timely paid in full prior to this assertion. As such, Applicants hereby itemize the excess amounts of corresponding fees paid within the previous three months.

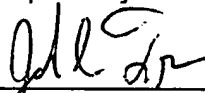
As specified under § 1.28(a) and (b)(2), the excess amount paid for each previous fee timely paid in full as a Large Entity is the difference between the amount of the previous erroneous Large Entity fee payment and the fee amount due for a Small Entity. The required itemization of all excess fees paid after January 13, 2005, includes a one-month extension fee and a filing fee with extra claims, both paid on February 14, 2005. Corresponding cancelled checks, indicating fee payments, were returned by the Patent Office (see Exhibits A and B).

In regard to the one-month extension fee, the Large Entity payment was in the amount of \$120.00, while the corresponding Small Entity one-month extension fee was in the amount of \$60.00. The corresponding requested refund, the difference between these two fees, is equal to \$ 60.00.

In regard to the filing fee with extra claims, the Large Entity payment was in the amount of \$2,250.00, while the corresponding Small Entity fee was in the amount of \$1,125.00. The corresponding requested refund, the difference between these two fees, is equal to \$ 1,125.00.

Accordingly, a refund in the amount of \$1,185.00 (\$60 + \$1,125) is respectfully requested. Applicants hereby authorize the Commissioner to credit this requested refund to Deposit Account No. 23-1925.

Respectfully submitted,



John C. Freeman  
Registration No. 34,483  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

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*Mash Yates*  
Authorized Signature

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DATE  
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*Mark Yates*  
Authorized Signature

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